

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

EUGENE MORRIS STRADER,)
vs.)
Movant,)
UNITED STATES OF AMERICA,)
)
)
)
)
No. 1:10-cv-200-SEB-DML
IP-95-cr-025-01-B/F

Entry Discussing Motion for Relief Pursuant to 28 U.S.C. § 2255

1.

A motion pursuant to 28 U.S.C. § 2255 is the presumptive means by which a federal prisoner can challenge his conviction or sentence. See *Davis v. United States*, 417 U.S. 333, 343 (1974). Defendant Strader has filed such a motion seeking modification of his sentence for a drug offense. His reliance on § 2255 is misplaced, however, because the scope of that statute does not extend to the circumstances outlined and relied upon by Strader. The motion for relief pursuant to 28 U.S.C. § 2255 is therefore **denied**. Judgment dismissing the § 2255 action without prejudice shall now issue.

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The motion discussed in Part I of this Entry appropriately refers to 18 U.S.C. § 3582(c) and shall therefore be separately entered on the docket in the underlying criminal action, together with a copy of this Entry. This action represents an assessment of procedural handling only, not any indication as to whether the defendant is or is not entitled to relief based on that motion.

IT IS SO ORDERED.

Date: 02/23/2010

Sarah Evans Barker
SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.